

Message Text

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ACTION NEA-10

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FM AMEMBASSY MANAMA BAHRAIN

TO SECSTATE WASHINGTON DC IMMEDIATE 2300

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E.O. 11652: N/A

TAGS : CASC, BA

SUBJECT : SERLE VS YOUNES CHILD CUSTODY CASE

REFERENCE : STATE 171629

1. FOREIGN MINISTER CALLED IN AMBASSADOR JULY 22 TO EXPRESS INFORMALLY GOB'S CONCERN ABOUT "MESSY AND DIFFICULT" SERLE/YOUNES CASE. FOREIGN MINISTER DID NOT SEEK DISGUISE FACT THAT, DESPITE HIS PERSONAL CONCERN FOR THE TRAGIC EFFECT OF SUCH PROBLEMS ON THE CHILD INVOLVED, THIS REALLY WAS A CASE IN WHICH TWO "AMERICANS" HAD IMPOSED THEIR PERSONAL PROBLEMS ON BAHRAIN. HAD BOTH PARTIES NOT GOTTEN THEMSELVES ENTANGLED IN BAHRAINI COURTS, GOB'S INCLINATION WOULD BE TO EXPEL BOTH MRS. SERLE AND MR. YOUNES IMMEDIATELY, LEAVING THEM TO WORK OUT THEIR CUSTODY PROBLEM IN SOME OTHER JURISDICTION.

2. FOREIGN MINISTER ASKED ABOUT EMBASSY'S AND STATE DEPARTMENT'S INVOLVEMENT IN CASE WHICH AMBASSADOR PROCEEDED TO EXPLAIN. FOREIGN MINISTER SAID YOUNES HAD ALLEGED THAT "AMERICAN EMBASSY" HAD BROKEN INTO HIS RESIDENCE IN BAHRAIN TO ASSIST MRS. SERLE'S ABSCONDING WITH THE CHILD. AMBASSADOR EXPLAINED EMBASSY WAS AWARE THAT MRS. SERLE HAD HAD CHILD IN HER PHYSICAL POSSESSION SINCE SHORTLY AFTER HER ARRIVAL IN BAHRAIN BUT WAS BY NO MEANS A PARTY TO EVENTS SURROUNDING THIS. FOREIGN MINISTER APPEARED FULLY SATISFIED ON THIS COUNT. FOREIGN MINISTER EXPLAINED THAT CASE HAD BEEN AWKWARDLY TANGLED IN COURTS BY FACT THAT YOUNES HAD DECLARED HIMSELF TO BE A MUSLIM AND THUS CASE MUST BE HEARD BEFORE SHARIA COURT. FOREIGN MINISTER EX-

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PLAINED THAT THIS IS SERIOUS COMPLICATION SINCE, WHILE BAHRAIN CIVIL

COURT WOULD BE INCLINED TO FOLLOW CUSTODY RULING OF FLORIDA COURT, SHARIA COURT WOULD UNDOUBTEDLY RULE IN FAVOR OF FATHER'S HAVING CUSTODY. WHILE DISCUSSING THIS, FOREIGN MINISTER WAS HANDED COPY OF JUST RELEASED SHARIA COURT RULING. COURT, ACKNOWLEDGING THAT YOUNES IS "LEBANESE DRUZE" WHO HAD BECOME "AMERICAN CHRISTIAN" AND HAD SUBSEQUENTLY PROCEEDED TO TAKE CHILD OUT OF U.S. IN VIOLATION OF U.S. COURT DECREE HAD SUBSEQUENTLY BECOME A MUSLIM (ON 13 JULY 1975) AND THAT HENCE COURT COULD ONLY DECIDE THAT HE AND NOT MOTHER IS ENTITLED TO CUSTODY OF CHILD.

3. FOREIGN MINISTER SAID THIS IS TROUBLING DEVELOPMENT AS UNDOUBTEDLY BAHRAIN ADMINISTRATIVE COURT WOULD NOW BE FORCED TO ORDER POLICE TO RETURN CHILD FROM MOTHER'S CUSTODY TO FATHER'S WHILE SUBSEQUENT LITIGATION PROCEEDS. FOREIGN MINISTER SAID HE COULD NOT ACTUALLY PREDICT HOW CIVIL COURT WILL NOW PROCEED (HE SAID IT HAD BEEN PREPARED TO AWARD CUSTODY TO MOTHER) BUT, IN ANY EVENT, APPELLATE COURT ACTION WILL UNDOUBTEDLY BE NECESSARY. AMBASSADOR URGED THAT GOB ENDEAVOR TO EXPEDITE FURTHER LEGAL PROCEEDINGS, STRESSING COMPASSIONATE GROUNDS FOR RESOLVING THIS ISSUE PROMPTLY. FOREIGN MINISTER ASSURED AMBASSADOR PROCEEDINGS WILL BE EXPEDITIOUS AND THAT, IN ANY EVENT, THERE WAS NO PROBLEM OF "COURT RECESS" DELAYING MATTER FURTHER.

4. FOREIGN MINISTER WENT ON TO STATE, HOWEVER, THIS MATTER MUST BE LEFT IN HANDS OF COURTS AND MINISTER OF JUSTICE. MINISTER IS OUT OF COUNTRY WITH CROWN PRINCE AND NOT EXPECTED BACK BEFORE JULY 24. FOREIGN MINISTER SAID, AT THIS STAGE AT LEAST, FOREIGN MINISTRY SIMPLY COULD NOT INTERVENE IN THE CASE REITERATING IT IS AMERICAN CITIZENS INVOLVED, AND NOT GOB, WHO HAVE PLACED IT IN THE HANDS OF BAHRAINI COURTS. HE ADDED THAT IT WOULD BE EXTREMELY IMPRUDENT FOR EITHER MRS. SERLE OR MR. YOUNES TO ATTEMPT TO LEAVE THE COUNTRY WITH THE CHILD IN THE FACE OF COURT ORDERS PROHIBITING THEIR TRAVEL.

5. AMBASSADOR'S COMMENT: EMBASSY HAS BEEN CLOSELY BUT AT ALL TIMES APPROPRIATELY INVOLVED IN THIS CASE SINCE MRS. SERLE'S ARRIVAL.

YOUNES

HAS NOT AT ANY POINT BEEN IN TOUCH WITH EMBASSY. I HAVE BEEN IN TOUCH WITH HIS EMPLOYER, OTIS ELEVATOR COMPANY, HOWEVER, SIMPLY TO ALERT THEM THAT AMERICAN CITIZEN FOR WHOSE CONDUCT THEY ARE ULTIMATELY RESPONSIBLE IS INVOLVED IN LEGAL PROCEEDING CAUSING SOME EMBARRASSMENT TO GOB. EMBASSY CONTINUES TO BE PREPARED TO GIVE APPROPRIATE CONSULAR LIMITED OFFICIAL USE

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ASSISTANCE TO EITHER PARTY AT ITS REQUEST AND WE WILL CONTINUE TO PUSH FOR EXPEDITIOUS COURT DECISION. AS WE PROCEED WITH THIS MATTER, HOWEVER, IT IS IMPORTANT TO KEEP IN MIND THAT YOUNES ALSO IS AMERICAN CITIZEN AND THAT WE HAVE NO INSTRUCTIONS TO MAKE REPRESENTATION IN MRS. SERLE'S BEHALF ON THE BASIS OF A FLORIDA COURT RULING.
TWINAM

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